

**MINUTES
PLANNING BOARD
TUESDAY, MARCH 27, 2018
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman David Wieser; Vice-Chairman Kerry Lamson; Members Jana Reeve, Michael Ham, Mike Foster, Natasha Edwards, and Mike Rowan; Alternate Member Larry Whitley; Town Attorney Craig Buie; Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; Administrative Assistant/Deputy Town Clerk Shana Robertson.

ABSENT: Alternate Member Raymond Poyner; Youth Voice Peyton Gates and Matheus Sadovsky

CALL TO ORDER

Chairman David Wieser called the meeting to order at 7:00 pm.

APPROVAL OF THE MINUTES

Mike Foster motioned to approve the minutes from the February 27, 2018 Planning Board meeting as submitted. The motion was seconded by Michael Ham and unanimously approved.

ZONING APPLICATION 2017-676 – Infiniti, 9009 E Independence Blvd, Change of B-H (CD) Conditions to Allow 5 Carport Structures for Detailing

Senior Planner Jay Camp reviewed details from the Public Hearing and informed the Board that there was a revised site plan that was submitted into the Town Planning and Development office. The revised site plan had relocated the five carport structures to the other side of Claire Drive, to the rear right of the dealership building. The detailing area in the revised plan would back up to the Harley Davidson Motorcycle training track and not the residential homes. This change would move the carports that are used for auto detailing closer to the car washing area. Mr. Camp added that Mecklenburg County permits and inspections would still need to be obtained.

Kerry Lamson asked about other improvements necessary such as the electrical and drainage. Mr. Camp said there was a note that said the power will be supplied from the main building to the back corner.

Larry Whitley clarified that the revised site plan proposed to move the structures from the parking lot side of Clair Drive to the dealership side and Mr. Camp said that was correct.

Mr. Ham said that this was not what was presented at the public hearing and the modifications were significant. He said that he had a hesitation making a recommendation to something that the Commissioners or the public had not seen.

Mike Rowan asked what the current conditions were of the B-H (CD) zoning. Mr. Camp said that both parcels were under the same zoning with the left side of Clair Drive being a parking lot and the right side allowed the dealership structure. He clarified that it would look similar to what was submitted, with the deduction of the five carport structures.

Natasha Edwards asked if they were the same carport structures that were being relocated and Mr. Camp said that they were.

Mike Foster clarified that because of the significant changes, would the Planning Board make a recommendation without resubmitting it to Town Council. Planning and Development Director Kati Ingrish said that the Planning Board has thirty days from the close of the Public Hearing to make a recommendation, and if no recommendation is made it would be the same as making a recommendation to approve.

Mr. Ham asked if the activity continued on the non-allowed site without permission. Donald Green with Progressive/ae and agent for the property owner said that the detailing activities were continuing and they were there to get the property correctly zoned and obtain permits for the structures. Mr. Green said that he has started

the permitting process with Mecklenburg County but that will need to be resubmitted due to change of the location of the carports.

Mr. Lamson asked what the conditional notes were and Mr. Camp said that nothing had changed since the public hearing but language was added to clarify the activities that would be taking place on the site. Mr. Camp said that no car washing would be done on the location, only vehicle detailing that include waxing, tire wheel polishing, interior vehicle cleaning, glass, carpet, and upholstery cleaning. Mr. Lamson clarified that because of the site plan modification, the carports would be located on the same site with the carwash. Mr. Camp said that was correct so the language would need to be updated.

Mr. Lamson asked when the carports were installed and Mr. Camp said that based on aerial photos they were installed between late 2016 and early 2017. Mr. Lamson asked Mr. Green to detail what the structures were being used for. Mr. Green said that they were being used for car detailing that included wiping the car down, waxing, cleaning the interiors of the vehicles, and tire shin. Mr. Lamson asked if this was for service cars, new, or used vehicles. Mr. Green said that the detailing carports service all cars that enter the lot. Mr. Green added that all five structures were full servicing detail centers. Mr. Lamson asked what their daily volume of vehicles were and their service hours of operation and Mr. Green said they service about fifty vehicles a week and the service hours were from 7:00 am to 7:00 pm. Mr. Lamson asked about music and lighting. Keith Keziah with All-Pro, 2035 Glen Valley Lane, Apartment 108, Indian Trail, NC said that it was All-Pro policy and the policy of Sonic Automotive to not have music playing and the structures did run LED interior lights that turned off at 7:00 pm.

Mr. Whitley asked why the structures were proposed to be moved away from the site to the right of Claire Drive. Mr. Green said that the area was more secluded and hidden from public view and closer to the carwash area.

Mr. Rowan asked who owned the structures and Mr. Keziah said they were owed by All-Pro. Mr. Rowan asked if there were any plans to make improvements to the structures. Mr. Green said that they would be submitted to Mecklenburg County and make sure that they met all building code requirements and upgrades would be made if needed for the purpose of obtaining the building permits. Mr. Rowan asked if there was any intention from the property owner to build a permanent structure and Mr. Green said that it was not in the plan. Mr. Keziah said that All-Pro is a mobile company and the idea is they could be off the site if asked in a moment's time.

Mr. Whitley asked how far they were in obtaining permitting and Mr. Green said that he will have to start over due to address change.

Mr. Foster said that his concern with the current location was that the units looked temporary and haphazard. He added that with the new proposed location, they looked more secluded and that would be a good thing. Mr. Green said that they would all be in a line and pushed up against the curb in the parking bay. Mr. Foster asked if cars were being washed in the current location and Mr. Green said they were not and the mechanical carwash was located on the same site as the dealership.

Mr. Ham asked about a picture that was submitted that showed wet areas of asphalt located around the current placement of the five carport structures. Mr. Keziah said that there was no water source on that side of Claire Drive. Conversations were had over possible causes for the wet area with thoughts that it could be the tire shine product.

Mr. Lamson asked about the onsite trailers that were being used on the site. Mr. Keziah said that due to break-ins, equipment had to be locked up during non-operating hours. Mr. Lamson clarified that the trailers would be just for the equipment and supplies of All-Pro. Brance Erby with All-Pro corporate office, 411 South 5th Street, Crandall, TX said that the trailers stored nothing but All-Pro equipment. He added that the trailers were a necessity as they had everything stolen from them numerous times. Mr. Erby said that there were two trailers that were servicing the five detailing structures. Mr. Lamson said that the trailers were semi-permanent and asked that they be identified on the site plan. Mr. Green said that they were not identified but could be placed at each end of the five structures.

Mr. Erby said that the tire shine and all products that All-Pro used were bio-degradable and earth friendly. He added that the tire shine did not make the asphalt wet as that would be a lot of wasted product but the moisture could be due to the cars being wet from the carwash.

Mr. Ham asked about ceasing activity on the current site until they were within compliance. Mr. Erby said that they did not wish to cease as it would hurt the business. Mr. Ham said that there is no cost to a violation and it would set a precedent. Ms. Ingrish said typically violations that have chosen to go through the process to correct and to come into compliance are not punished by the Town. Ms. Ingrish said that permitting by Mecklenburg County cannot be completed until the zoning is approved. Ms. Ingrish added that during a rezoning, the Board needed to take the face off of the individual or company because a rezoning would approve structures on the location that could be used by another who may acquire the property in the future.

Mr. Rowan asked how the violation was reported to the Town and Mr. Camp said there was a complaint that Code Enforcement investigated.

Mr. Ham clarified that if it was not in writing on the site plan then it could not be enforced such as the music. Ms. Edwards added also the use of eco-friendly products would need to be listed as well. Mr. Green said that a listing of the products used were submitted with the application. Ms. Ingrish said specific products may not want to be listed in case they change and Mr. Ham said that a generalization of eco-friendly products needs to be listed. Mr. Erby said they have to have a hazardous waste disposal system to be compliant with OSHA regardless of the use of those such products. Mr. Wieser asked if that was being done at the site and Mr. Erby said that it was. Mr. Ham asked if they used hazardous products and Mr. Erby said that they did not but to be compliant with OSHA regulations they had to have a disposal system on site. He added that OSHA does regular inspections.

Mr. Rowan asked if those issues would be listed under different Town ordinances and Ms. Ingrish said that radios or noise on the property that is not amplified noise does not trigger the Town's Noise Ordinance until a certain point with the residential area behind the current structure location. Mr. Rowan said that he does like the movement of the carports further away from residential homes.

Mr. Lamson asked the applicant how power was going to be run to the facility. Mr. Green said that the power would be trenched underground from the main source and there would be a panel on a pole. He added that this would have to be permitted through Mecklenburg County. Mr. Lamson asked if it was possible to have popup tent coverage in the new proposed location that could be taken down once permitting was in place. Mr. Erby said they could if they had to but there was no way to secure the popups and he has had employees injured by them in the past. Ha added that they were a liability.

Ms. Reeve asked if the structures that were in place currently were secured and Mr. Green said that they were anchored into the ground.

Mr. Whitley said that he liked the idea of moving the carports to the new site as they were away from neighbors and closer to the carwash station.

Mr. Foster said that he had no concerns about the new location and the county will work with any building code issues.

Ms. Edwards asked what the visibility was from both Independence Boulevard and from Claire Drive. Mr. Green said that from Independence the tops would be barely visible and from Claire Drive they would be somewhat visible through the two chain link fences and the vegetation that are currently onsite.

Mr. Lamson asked if All-Pro had a contract with Infiniti and what the terms of the contract were. Mr. Erby said that their contract was with Sonic Automotive and if they told them to get out tomorrow they would have to leave as there was no contract term. Mr. Lamson said that he did like the new placement but had concerns about a condition that if they were no longer present at the site, the Board would not have to have a new application from Infiniti. Mr. Lamson said that the carports are also showing age and he would like to see them cleaned up and to be made as safe as possible. He added that definitions and terms should be added such as eco-friendly chemicals, noise, and hours of operation.

Ms. Reeve said that they need to remember to take the face off of the request and she felt that carports are not up to the Matthews standard and were unattractive. She added that she was concerned about that area on

Independence and did not want to approve something that would further diminish the aesthetics of the area. Mr. Green said that there were carports located across Independence at another dealership.

Mr. Whitley said that he did not have a problem with the new location as they were set back further from the road than the other establishment across Independence. He added that he did not believe that they should cease operations as they were showing a willingness to work with the Town to come into compliance.

Mr. Ham made a note that he did not feel that it was proper to make a recommendation with the severity of the change from what was presented at the public hearing.

Mr. Ham made a motion to recommend disapproval as the application was not consistent with the Land Use Plan and the Unified Development Ordinance and operations should be cease until permission is granted by the Town Board of Commissioners. Mr. Ham added to his motion that the site plan notes be amended to list that no music be played at the site and the use of eco-friendly products.

Mr. Whitley said they are in business and are trying to correct a wrong. The Town needs to give them an opportunity to make it right and not penalize them.

As there was no second, Mike Rowan recommended approval of the presented modified site plan, with the condition that site plan notes be amended to list that no music be played at the site and the use of eco-friendly products as the application was reasonable and consistent with the use of the property.

Mr. Lamson encouraged the applicant to continue with the remaining steps for county permits and to get the site into compliance as expeditiously as possible.

Mr. Lamson seconded and the motion to recommend approval and the motion passed with Mr. Ham and Ms. Reeve in opposition.

DISCUSS UPCOMING EVENTS – Our Town, Our Vision Review April 27-28, Planning Board Training May 1, Joint Advisory Committee Meeting May 1

Ms. Ingrish informed the Board that Raymond Poyner submitted a letter of resignation as his place of employment was relocating him to Michigan. She said that she will inform the Town Council so that they can appoint a new member soon to take his place.

Our Town, Our Vision

Ms. Ingrish noted that Our Town, Our Vision was completed in 2005 with the help of consultant Glenn Harbeck. Mr. Harbeck will be helping again to facilitate an updated vision by inviting the community to an open forum on April 28, 2018. Ms. Ingrish asked Planning Board members for assistance with the forum by joining the Town Council and staff in being table facilitators during the event.

Planning Board Training.

Ms. Ingrish said that four Planning Board members had signed up to join her for a regional training workshop on May 1, 2018 from 1 to 4:30 pm. She informed members that if anyone else was interested that there were still open spaces available and all interested members could carpool from Town Hall.

Joint Advisory Council

Ms. Ingrish told the Board that also on May 1, 2018, the Chair and Vice Chair of all Town committees will be meeting with Town Council. She asked all the Board members to think about projects that they would like to work on, any possible new projects, and anything to coordinate with other advisory groups that could be discussed at the May 1 meeting.

Mr. Weiser read aloud a letter of congratulations to Youth Voice Member Matheus Sadovsky about his program Retirement Buddies. A copy of the letter will also be sent to Mr. Sadovsky's Principal at Butler High School. Mr.

Foster suggested a formal presentation be given to Mr. Sadovsky at the Board of Commissioners meeting. Other members of the Board agreed with the idea and asked that the Mayors' signature be added to the letter.

Mr. Whitley made a suggestion that the Planning Board open each meeting with prayer. Mr. Ham, Ms. Reeve, and Ms. Edwards were opposed to the suggestion. The remainder of the Board did not have strong feelings one way or the other. Mr. Weiser said that the Board would take it under advisement and allow members to think about the suggestion.

ADJOURNMENT

Ms. Reeve motioned to adjourn and Mr. Ham seconded. The motion passed unanimously and the meeting adjourned at 8:12 pm.

Respectfully submitted,



Shana Robertson
Administrative Assistant/Deputy Town Clerk